

REMARKS

Claims 9-16 are currently pending, in this application. The Office has rejected claims 9-16 under 35 USC § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter. The Office has also rejected claims 9-13 and 15-16 under 35 USC § 102(b) as being anticipated by Reynolds et al. (U.S. Pat. No. 6,286,762; hereinafter “Reynolds”). The Office rejected claim 14 under 35 USC § 103(a) as being unpatentable over Reynolds in view of Minasy et al. (U.S. Pat. No. 5,121,103; hereinafter “Minasy”). This is a non-final Office action and is responsive to Applicant's communication filed on or before May 7, 2007.

Claim Amendments

Applicant requests that the amendments to the claims be entered into this application. No new subject matter is being entered. Support for the amendments is found in the specification (e.g., page 4, lines 18-20).

112, Second Paragraph Rejection

Applicant has amended the claims to address the Office's rejection.

102(b) Rejection of Claims 1, 15, and 16 by Reynolds

Reynolds does not show or suggest the combination of “attempting to read the item identification information for the item from both a barcode label and a radio frequency identification label by a checkout device “ and “if the checkout device in the attempting step fails to read the item identification information from both the barcode label and the radio frequency identification label, activating a single bad read indicator to produce a single bad read indication that the read of both labels by the checkout device has failed,” as required by Applicant. Reynolds teaches the use of two separate sets of user interface indicators. (See Fig. 3, elements 70 and 72 and col. 7, lines 18-23.) Reynolds describes a set of LEDs 70 for the RFID user interface and a set of LEDs 72 for the machine-readable symbol (bar codes) user interface. The LEDs are used to indicate good and bad reads for their respective devices. Reynolds clearly teaches the use of two

sets of LEDs, where one set provides a user interface for barcode labels and the other set provides a user interface for radio frequency identification labels. Applicant requires a single indication that is used for both barcode labels and radio frequency identification labels instead of the two indicators used by Reynolds. Thus, Reynolds fails to show or suggest at least the combination of elements described above. The rejection is therefore improper and Applicant's claims are allowable.

103(a) Rejection of Independent Claim 14 by Reynolds in View of Minsay

As shown above, Reynolds does not show or suggest all the limitations of claims 1, 15, and 16. Claim 14 contains the same limitations that Reynolds fails to show or suggest in these claims. Minsay teaches an electronic theft detection system and does not contain the limitations that Applicant has shown are missing from Reynolds.

Additionally, the Office does not assert that the missing limitations are found within Minsay. A *prima facie* case of obviousness cannot be made because the prior art fails to show or suggest all the elements of Applicant's claimed invention. The rejection is therefore improper and the claim is allowable over the prior art.

Rejection of the Dependent Claims

The dependent claims are allowable for at least the same reasons presented above for the independent claims.

CONCLUSION

Applicant asks that the Office reconsider this application and allow all pending claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 14-0225.

Respectfully submitted,

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(Electronically Submitted)

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